

Appl. No. 09/888,320
Amdt. dated 7/27/04
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1634

PATENT

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 1, 3, 5, 8-11, 21, 22, 25, 28, 35, 37, and are under examination. Claims 2, 4, 6, 7, 12-16, 17-20, 23, 24, 26, 27, 29-34, 36, and 38-48 have been cancelled.

II. Telephone Conference with the Examiner

Applicants acknowledge with appreciation the Examiner's telephone conference with their representative, in which the Examiner agreed to enter the amendments from the Amendment dated February 11, 2004 and retransmitted to the Office by facsimile transmission on March 29, 2004. The present amendments reflect the discussion with the Examiner, as embodied in the Supplemental Advisory Action dated July 2, 2004.

III. The Present Amendments

The present amendments add no new matter.

The amendments to claims 1 and 21 separate the recitations with respect to ethionamide, thiacetazone, and thiocarlide to recite the mutations of the *EtaA* gene shown to be related to resistance of the *Mycobacterium tuberculosis* organism to each drug, respectively, in Figure 4C of the specification. The dependencies of some claims have been changed to reflect the cancellation of other claims that became redundant in light of the present amendments. The claims drawn to non-elected inventions have been cancelled.

IV. Remarks

In the interview and the Supplement Advisory Action, the Examiner indicated that that certain mutations had not been shown to affect resistance to one or more of the three exemplar drugs used in the studies discussed in the specification. While not necessarily agreeing

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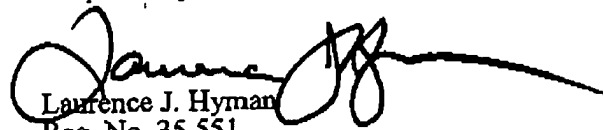
with the Examiner, to expedite prosecution, Applicants have amended the claims to recite the mutations for which resistance to the respective drugs was demonstrated.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, she is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,


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